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Attorneys for Plaintiffs **STEPHAN SHAY AND NATHAN SHAY**

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

STEPHAN SHAY, an individual

NATHAN SHAY, an individual,

Plaintiffs,

vs.

CITY OF HUNTINGTON BEACH,

a public entity, OFFICER

BRANDON D. ROCKETT #422090,

as an individual and a peace officer,

OFFICER DANIEL M. SUBIA

#421221, as an individual and a peace

officer and DOES 1 through 10,

inclusive,

Defendants.

) Case No. 8:17-CV-744 AG (JCGx)

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) **DECLARATION OF RODNEY S.**

) **DIGGS AND EXHIBITS IN**

) **SUPPORT**

) **OF PLAINTIFFS' OPPOSITION**

) **TO DEFENDANTS MOTION FOR**

) **SUMMARY**

) **JUDGMENT/PARTIAL**

) **SUMMARY JUDGMENT**

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) **DATE: September 10, 2018**

) **TIME: 10:00 a.m.**

) **CTRM: 10D – Santa Ana**

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DECLARATION OF RODNEY S. DIGGS

I, Rodney S. Diggs, hereby declare the following:

1. I am a partner with Ivie, McNeill, and Wyatt, APLC, attorneys for Plaintiffs, Stephan Shay and Nathan Shay. The following is within my own personal knowledge, and if called upon to testify I could and would competently testify thereto.

2. Attached hereto and incorporated herein by reference as Exhibit "A" is a true and correct copy of the pertinent portions of the transcript of the February 21, 2018 deposition of Nathan Shay.

3. Attached hereto and incorporated herein by reference as Exhibit "B" is a true and correct copy of the pertinent portions of the transcript of the May 10, 2018 deposition of Brandon Rockett.

4. Attached hereto and incorporated herein by reference as Exhibit "C" is a true and correct copy of the pertinent portions of the transcript of the May 9, 2018 deposition of Daniel Subia.

5. Attached hereto and incorporated herein by reference as Exhibit "D" is a true and correct copy of the pertinent portions of the transcript of the February 21, 2018 deposition of Stephan Shay.

6. Attached hereto and incorporated herein by reference as Exhibit "E" is a true and correct copy of the Age 21 and Older Officer's Statement recorded in reference to the incident at issue on January 13, 2016.

7. Attached hereto and incorporated herein by reference as Exhibit "F" is a true and correct copy of an article from the Running Competitor website entitled, *Road Warrior: Marathoner Stephan Shay's Mobile Home Life*, from September, 2015 (http://runningcompetitor.com/2015/09/news/raod-warrior-marathoner-stephan-shays-mobile-home-life_135669).

1 I declare under penalty of perjury of the laws of the United States and the
2 State of California that the foregoing is true and correct.

3 Executed this 20th day of August, 2018, at Los Angeles, California.
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5 /s/ Rodney S. Diggs
6 Rodney S. Diggs, Declarant
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